IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6331 OF 2005

Shri Nitin Madhav Vadhalkar ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri Manoj J. Bhatt for the Applicant.
Ms M.M. Deshmukh, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : OCTOBER 21, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The Applicant is involved in an offence registered under section 467, 468, 471, 420 read with section 34 of the Indian Penal Code and sections 66 of the Information Technology Act. The allegation of the prosecution is that the co-accused alongwith the Applicant have fraudulently and dishonestly transferred huge amounts from the accounts of the foreigners in the City Bank to bogus accounts opened in various banks in Pune by electronic process of E-Transfer. It is not in dispute that all the accused persons save and except the Applicant have been enlarged on bail. The accused persons who have played key role in the offence are enlarged on bail. The learned Sessions Judge has rejected Application on the ground that the Applicant has been involved in seventeen other similar cases.

However, it is not in dispute that the Applicant has been enlarged on bail in all the cases.

2. Investigation has been completed. Considering the nature the of the case, the trial is not likely to conclude in near future. Since all other accused persons save and except the Applicant are enlarged on bail, a case is made out for grant of bail. Considering the seriousness of the trial in almost all cases, bail amount has been fixed by this Court at Rs.75,000/- with one or two local sureties in the like amount.

3. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.I-91 of 2005 registered with Vishrambaug Police Station, Pune,** subject to furnishing a personal bond of **Rs.75,000/-** with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall not leave the area falling within the jurisdiction of Pune district till the conclusion

of the trial without permission of the Sessions Court.

iii) The Order granting bail will be given effect only after the Applicant surrenders his passport, if any, to the office of ACP Crime Branch, Pune and only after the Applicant furnishes a detailed address of the place where he proposes to stay after he is enlarged on bail.

iv) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) The parties to act upon an authenticated copy of this order.

JUDGE